

CHAPTER 1092**ALARM SYSTEM INSTALLER OR
CONTRACTOR CERTIFICATION AND ELECTRICIAN LICENSURE
— MISCELLANEOUS ADDITIONAL REVISIONS***H.F. 2547*

AN ACT modifying provisions relating to statewide licensure and certification of electricians and alarm system contractors and installers, and providing an effective date.

Be It Enacted by the General Assembly of the State of Iowa:

Section 1. Section 100C.1, subsection 1, Code Supplement 2007, is amended to read as follows:

1. “Alarm system” means a system or portion of a combination system that consists of components and circuits arranged to monitor and annunciate the status of a fire alarm, security alarm, or ~~medical alarm nurse call~~ or supervisory signal-initiating devices and to initiate the appropriate response to those signals, ~~but does not mean any such security system or portion of a combination system installed in a prison, jail, or detention facility owned by the state, a political subdivision of the state, the department of human services, or the Iowa veterans home.~~

Sec. 2. Section 100C.1, subsections 2 and 3, Code Supplement 2007, are amended to read as follows:

2. “Alarm system contractor” means a person engaging in or representing oneself as engaging in the ~~activity or~~ business of layout, installation, repair, alteration, addition, maintenance, or maintenance inspection of alarm systems in this state.

3. “Alarm system installer” means ~~an employee of an alarm system contractor who is a person engaged in the layout, installation, repair, alteration, addition, or maintenance, or maintenance inspection of alarm systems as an employee of an alarm system contractor, or as an employee of any employer other than an alarm system contractor in a building or facility owned or occupied by such employer.~~

Sec. 3. Section 100C.1, subsection 13, paragraph b, Code Supplement 2007, is amended to read as follows:

b. An owner, partner, officer, or manager employed full-time by an alarm system contractor who is certified by the national institute for certification in engineering technologies in fire alarm systems or security systems at a level established by the fire marshal by rule or who meets any other criteria established by rule under this chapter. The rules may provide for separate endorsements for fire alarm systems, security alarm systems, and ~~medical alarm nurse call~~ systems and may require separate qualifications for each.

Sec. 4. Section 100C.2, subsection 4, paragraph b, Code Supplement 2007, is amended to read as follows:

b. An employee or subcontractor of a certified alarm system contractor who is an alarm system installer, and who is not licensed pursuant to chapter 103 shall obtain and maintain certification as an alarm system installer and shall meet and maintain qualifications established by the state fire marshal by rule.

Sec. 5. Section 100C.6, Code Supplement 2007, is amended by adding the following new subsection:

NEW SUBSECTION. 3. Apply to a person licensed as an engineer pursuant to chapter 542B who provides consultation or develops plans or other work concerning the installation or design of fire protection systems.

Sec. 6. Section 100C.10, subsection 2, paragraph d, Code Supplement 2007, is amended to read as follows:

d. Three alarm system contractors, certified pursuant to this chapter, at least one of whom shall have experience with fire alarm systems, at least one of whom shall have experience with security alarm systems, and at least one of whom shall have experience with medical alarm nurse call systems.

Sec. 7. Section 103.1, subsection 7, Code Supplement 2007, is amended by striking the subsection.

Sec. 8. Section 103.1, subsection 8, Code Supplement 2007, is amended to read as follows:

8. "Electrical contractor" means a person affiliated with an electrical contracting firm or business who is, or who employs a person who is, licensed by the board as either a class A or class B master electrician and who is also registered with the state of Iowa as a contractor.

Sec. 9. Section 103.1, subsection 13, Code Supplement 2007, is amended by striking the subsection.

Sec. 10. Section 103.1, subsection 14, Code Supplement 2007, is amended to read as follows:

14. "Routine maintenance" means the repair or replacement of existing electrical apparatus or equipment, including but not limited to wires, cables, switches, receptacles, outlets, fuses, circuit breakers, and fixtures, of the same size and type for which no changes in wiring are made, but does not include any new electrical installation or the expansion or extension of any circuit.

Sec. 11. Section 103.2, subsection 2, paragraphs b and d, Code Supplement 2007, are amended to read as follows:

b. Two members shall be master electricians or electrical contractors, one of whom is a contractor signed to a collective bargaining agreement or a master electrician covered under a collective bargaining agreement and one of whom is a ~~nonunion~~ contractor not signed to a collective bargaining agreement or a master electrician who is not a member of a union.

d. Two members, one a union member covered under a collective bargaining agreement and one a ~~nonunion member~~, who is not a member of a union, each of whom shall not be a member of any of the aforementioned groups described in paragraphs "a" through "c", and shall represent the general public.

Sec. 12. Section 103.6, subsection 1, Code Supplement 2007, is amended to read as follows:

1. Adopt rules pursuant to chapter 17A and in doing so shall be governed by the minimum standards set forth in the most current publication of the national electrical code issued and adopted by the national fire protection association, and amendments to the code, which code and amendments shall be filed in the offices of the ~~secretary of state~~ law library and the board and shall be a public record. The board shall adopt rules reflecting updates to the code and amendments to the code. The board shall promulgate and adopt rules establishing wiring standards that protect public safety and health and property and that apply to all electrical wiring which is installed subject to this chapter.

Sec. 13. Section 103.8, Code Supplement 2007, is amended to read as follows:

103.8 ACTIVITIES WHERE LICENSE REQUIRED — EXCEPTIONS.

1. No person, except a person licensed as an electrical contractor, shall engage in the business of providing new electrical installations or any other electrical services regulated under this chapter.

2. Except as provided in sections 103.13 and 103.14, no person shall, for another, plan, lay

out, or supervise the installation of wiring, apparatus, or equipment for electrical light, heat, power, and other purposes unless the person is licensed by the board as an electrical contractor, a class A master electrician, or a class B master electrician.

Sec. 14. Section 103.10, Code Supplement 2007, is amended by adding the following new subsection:

NEW SUBSECTION. 5. The board may reject an application for licensure under this section from an applicant who would be subject to suspension, revocation, or reprimand pursuant to section 103.35.

Sec. 15. Section 103.11, Code Supplement 2007, is amended to read as follows:

103.11 WIRING OR INSTALLING — SUPERVISING APPRENTICES — LICENSE REQUIRED — QUALIFICATIONS.

Except as provided in section 103.13, no person shall, for another, wire for or install electrical wiring, apparatus, or equipment, or supervise an apprentice electrician or unclassified person, unless the person is licensed by the board as an electrical contractor, a class A master electrician, or a class B master electrician, or is licensed as a class A journeyman electrician, or a class B journeyman electrician, and is employed by an electrical contractor, or is working under the supervision of a class A master electrician, or a class B master electrician.

Sec. 16. Section 103.12, subsection 1, Code Supplement 2007, is amended to read as follows:

1. An applicant for a class A journeyman electrician license shall have successfully completed an apprenticeship training program registered by the bureau of apprenticeship and training of the United States department of labor in accordance with the standards established by that department or shall have received training or experience for a period of time and under conditions as established by the board by rule. ~~An applicant may petition the board to receive a waiver of this requirement. The board shall determine a level of on-the-job experience as an unclassified person sufficient to qualify for a waiver.~~

Sec. 17. Section 103.12, subsection 2, Code Supplement 2007, is amended by striking the subsection and inserting in lieu thereof the following:

2. In addition, an applicant shall meet examination criteria based upon the most recent national electrical code adopted pursuant to section 103.6 and upon electrical theory, as determined by the board.

Sec. 18. Section 103.12, Code Supplement 2007, is amended by adding the following new subsection:

NEW SUBSECTION. 5. The board may reject an application for licensure under this section from an applicant who would be subject to suspension, revocation, or reprimand pursuant to section 103.35.

Sec. 19. Section 103.13, Code Supplement 2007, is amended to read as follows:

103.13 SPECIAL ELECTRICIAN LICENSE — QUALIFICATIONS.

The board shall by rule provide for the issuance of special electrician licenses authorizing the licensee to engage in a limited class or classes of electrical work, which class or classes shall be specified on the license. Each licensee shall have experience, acceptable to the board, in each such limited class of work for which the person is licensed. The board may reject an application for licensure under this section from an applicant who would be subject to suspension, revocation, or reprimand pursuant to section 103.35.

Sec. 20. Section 103.15, Code Supplement 2007, is amended to read as follows:

103.15 APPRENTICE ELECTRICIAN — UNCLASSIFIED PERSON.

1. A person shall be licensed by the board and pay a licensing fee to work as an apprentice

electrician while participating in an apprenticeship training program registered by the bureau of apprenticeship and training of the United States department of labor in accordance with the standards established by that department. An apprenticeship shall be limited to six years from the date of licensure, unless extended by the board upon a finding that a hardship existed which prevented completion of the apprenticeship program. Such licensure shall entitle the licensee to act as an apprentice to an electrical contractor, a class A master electrician, a class B master electrician, a class A journeyman electrician, or a class B journeyman electrician as provided in subsection 3.

2. a. A person shall be licensed as an unclassified person by the board to perform electrical work if the work is performed under the personal supervision of a person actually licensed to perform such work and the licensed and unclassified persons are employed by the same employer. ~~After one hundred continuous days of employment as a nonlicensed unclassified person, the unclassified person must receive a license from the board. A person shall not be employed continuously for more than one hundred days as an unclassified person without having obtained a current license from the board. For the purposes of this subsection, "one hundred continuous days of employment" includes any days not worked due to illness, holidays, weekend days, and other absences that do not constitute separation from or termination of employment. Any period of employment as a nonlicensed unclassified person shall not be credited to any applicable experiential requirement of an apprenticeship training program registered by the bureau of apprenticeship and training of the United States department of labor.~~

b. Licensed persons shall not permit unclassified persons to perform electrical work except under the personal supervision of a person actually licensed to perform such work. Unclassified persons shall not supervise the performance of electrical work or make assignments of electrical work to unclassified persons. ~~Electrical contractors~~ Any person employing unclassified persons performing electrical work shall maintain records establishing compliance with this section, which shall designate all unclassified persons performing electrical work.

3. Apprentice electricians and unclassified persons shall do no electrical wiring except under the direct personal on-the-job supervision and control and in the immediate presence of a licensee ~~pursuant to this chapter as specified in section 103.11~~. Such supervision shall include both on-the-job training and related classroom training as approved by the board. The licensee may employ or supervise apprentice electricians and unclassified persons at a ratio not to exceed three apprentice electricians and unclassified persons to one licensee, except that such ratio and the other requirements of this section shall not apply to apprenticeship classroom training.

4. For purposes of this section, "the direct personal on-the-job supervision and control and in the immediate presence of a licensee" shall mean the licensee and the apprentice electrician or unclassified person shall be working at the same project location but shall not require that the licensee and apprentice electrician or unclassified person be within sight of one another at all times.

5. An apprentice electrician shall not install, alter, or repair electrical equipment except as provided in this section, and the licensee employing or supervising an apprentice electrician shall not authorize or permit such actions by the apprentice electrician.

6. The board may reject an application for licensure under this section from an applicant who would be subject to suspension, revocation, or reprimand pursuant to section 103.35.

Sec. 21. Section 103.16, subsection 1, Code Supplement 2007, is amended to read as follows:

1. Examinations for licensure shall be ~~given~~ offered as often as deemed necessary by the board, but no less than one time per ~~month~~ quarter. The scope of the examinations and the methods of procedure shall be prescribed by the board. The examinations given by the board shall be the Experior assessment examination, or a successor examination approved by the board, or an examination prepared by a third-party testing service which is substantially equivalent to the Experior assessment examination, or a successor examination approved by the board.

Sec. 22. Section 103.19, subsection 1, Code Supplement 2007, is amended to read as follows:

1. Licenses issued pursuant to this chapter shall expire every three years, with the exception of licenses for apprentice electricians and unclassified persons, which shall expire on an annual basis. All license applications shall include the applicant's social security number, which shall be maintained as a confidential record and shall be redacted prior to public release of an application or other record containing such social security number. The board shall establish the fees to be payable for examination and license issuance and renewal in amounts not to exceed the following:

a. ~~For examinations:~~

(1) ~~Class A master electrician, one hundred twenty-five dollars.~~

(2) ~~Class A journeyman electrician, sixty dollars.~~

b. ~~a.~~ For each year of the three-year license period for issuance and renewal:

(1) Electrical contractor, one hundred twenty-five dollars.

(2) Class A master electrician, class B master electrician, one hundred twenty-five dollars.

(3) Class A journeyman electrician, class B journeyman electrician, or special electrician, twenty-five dollars.

c. ~~b.~~ For apprentice electricians or unclassified persons, twenty dollars.

Sec. 23. Section 103.22, subsections 1, 6, and 10, Code Supplement 2007, are amended to read as follows:

1. Apply to a person licensed as an engineer pursuant to chapter 542B, registered as an architect pursuant to chapter 544A, licensed as a landscape architect pursuant to chapter 544B, licensed as a manufactured or mobile home retailer or certified as a manufactured or mobile home installer pursuant to chapter 103A, or designated as lighting certified by the national council on qualifications for the lighting professions providing consultations and developing plans concerning electrical installations who is exclusively engaged in the practice of the person's profession.

6. Prohibit an owner of property from performing work on the owner's principal residence, if such residence is an existing dwelling rather than new construction and is not an apartment that is attached to any other apartment or building, as those terms are defined in section 499B.2, and is not larger than a single-family dwelling, or farm property, excluding commercial or industrial installations or installations in public use buildings or facilities, or require such owner to be licensed under this chapter. In order to qualify for inapplicability pursuant to this subsection, a residence shall qualify for the homestead tax exemption.

10. Apply to a person performing alarm system installations pursuant to section 103.14 or to a person engaged in the design, installation, erection, repair, maintenance, or alteration of class two or class three remote control, signaling, or power-limited circuits, optical fiber cables or other cabling, or communications circuits, including raceways, as defined in the national electrical code for voice, video, audio, and data signals in commercial or residential premises.

Sec. 24. Section 103.22, Code Supplement 2007, is amended by adding the following new subsection:

NEW SUBSECTION. 11. Require any person, including an employee of the state or any political subdivision of the state, performing routine maintenance to be licensed under this chapter.

Sec. 25. 2007 Iowa Acts, chapter 197, section 33, subsection 2, is amended to read as follows:

2. All new electrical installations for residential applications in excess of single-family residential applications, including an apartment that is attached to any other apartment or building, as those terms are defined in section 499B.2.

Sec. 26. Section 103.24, as enacted by 2007 Iowa Acts, chapter 197, section 34, is amended to read as follows:

103.24 STATE INSPECTION — INAPPLICABILITY IN CERTAIN POLITICAL SUBDIVISIONS — ELECTRICAL INSPECTORS — CERTIFICATE OF QUALIFICATION.

1. ~~No person other than the holder of an electrical inspector's certificate of qualification shall be appointed to act as an electrical inspector and to enforce this chapter as an electrical inspector and to enforce this chapter or any applicable resolution or ordinance within the inspector's jurisdiction.~~ The board shall establish by rule standards for the certification and de-certification of state electrical inspectors appointed by the state or a political subdivision to enforce this chapter or any applicable resolution or ordinance within the inspector's jurisdiction, and for certified electrical inspector continuing education requirements.

a. On and after January 1, 2009, a person appointed to act as an electrical inspector for the state shall obtain an inspector's certificate of qualification within one year of such appointment and shall maintain the certificate thereafter for the duration of the inspector's service as an electrical inspector.

b. On and after January 1, 2014, a person appointed to act as an electrical inspector for a political subdivision shall obtain an inspector's certificate of qualification within one year of such appointment and shall maintain the certificate thereafter for the duration of the inspector's service as an electrical inspector.

2. State inspection shall not apply within the jurisdiction of any political subdivision which, pursuant to section 103.29, provides by resolution or ordinance standards of electrical wiring and its installation that are not less than those prescribed by the board or by this chapter and which further provides by resolution or ordinance for the inspection of electrical installations within the limits of such subdivision by a certified electrical inspector. A copy of the certificate of each electrical inspector shall be provided to the board by the political subdivision issuing the certificate.

3. State inspection shall not apply to routine maintenance.

Sec. 27. Section 103.25, as enacted by 2007 Iowa Acts, chapter 197, section 35, is amended to read as follows:

103.25 REQUEST FOR INSPECTION — FEES.

At or before commencement of any installation required to be inspected by the board, the licensee or owner making such installation shall submit to the state fire marshal's office a request for inspection. The board shall prescribe the methods by which the request may be submitted, which may include electronic submission or through a form prescribed by the board that can be submitted either through the mail or by a fax transmission. The board shall also prescribe methods by which inspection fees can be paid, which may include electronic methods of payment. If the board or the state fire marshal's office becomes aware that a person has failed to file a necessary request for inspection, the board ~~or the state fire marshal's office~~ shall send a written notification by certified mail that the request must be filed within fourteen days. Any person filing a late request for inspection shall pay a delinquency fee in an amount to be determined by the board. Failure to file a late request within fourteen days shall be subject to a civil penalty to be determined by the board by rule.

Sec. 28. Section 103.26, as enacted by 2007 Iowa Acts, chapter 197, section 36, is amended to read as follows:

103.26 CONDEMNATION — DISCONNECTION — OPPORTUNITY TO CORRECT NON-COMPLIANCE.

If the inspector finds that any installation or portion of an installation is not in compliance with accepted standards of construction for safety to health and property, based upon minimum standards set forth in the local electrical code or the national electrical code adopted by the board pursuant to section 103.6, the inspector shall by written order condemn the installation or noncomplying portion or order service to such installation disconnected and shall send

a copy of such order to the board, the state fire marshal, and the electrical utility supplying power involved. If the installation or the noncomplying portion is such as to seriously and proximately endanger human health or property, the order of the inspector when approved by the inspector's superior ~~superior~~ supervisor shall require immediate condemnation and disconnection by the applicant. In all other cases, the order of the inspector shall establish a reasonable period of time for the installation to be brought into compliance with accepted standards of construction for safety to health and property prior to the effective date established in such order for condemnation or disconnection.

Sec. 29. 2007 Iowa Acts, chapter 197, section 39, subsection 1, is amended to read as follows:

1. A political subdivision performing electrical inspections prior to December 31, 2007, shall continue to perform such inspections. After December 31, ~~2012~~ 2013, a political subdivision may choose to discontinue performing its own inspections and permit the board to have jurisdiction over inspections in the political subdivision. If a political subdivision seeks to discontinue its own inspections prior to December 31, ~~2012~~ 2013, the political subdivision shall petition the board. ~~If~~ On or after January 1, 2014, if a unanimous vote of the board finds that a political subdivision's inspections are inadequate by reason of misfeasance, malfeasance, or nonfeasance, the board may suspend or revoke the political subdivision's authority to perform its own inspections, subject to appeal according to the procedure set forth in section 103.35 and judicial review pursuant to section 17A.19. A political subdivision not performing electrical inspections prior to December 31, 2007, may make provision for inspection of electrical installations within its jurisdiction, in which case it shall keep on file with the board copies of its current inspection ordinances or resolutions and electrical codes.

Sec. 30. 2007 Iowa Acts, chapter 197, section 41, subsection 4, is amended to read as follows:

4. Except when an inspection reveals that an installation or portion of an installation is not in compliance with accepted standards of construction for safety to health and property, based upon minimum standards set forth in the local electrical code or the national electrical code adopted by the board pursuant to section 103.6, such that an order of condemnation or disconnection is warranted pursuant to section 103.26, an inspector shall not add to, modify, or amend a construction plan as originally approved by the state fire marshal ~~or the state building code commissioner~~ in the course of conducting an inspection.

Sec. 31. Section 103.35, as enacted by 2007 Iowa Acts, chapter 197, section 44, is amended to read as follows:

103.35 APPEAL PROCEDURES.

1. Upon receipt of a notice of appeal filed pursuant to section 103.34, the chairperson or executive secretary of the board may designate a hearing officer from among the board members to hear the appeal or may set the matter for hearing before the full board at its next regular meeting. A majority of the board shall make the decision.

2. Upon receiving the notice of appeal filed pursuant to section 103.34, the board shall notify all persons served with the order appealed from. Such persons may join in the hearing and give testimony in their own behalf. The board shall set the hearing date on a date not more than fourteen days after receipt of the notice of appeal unless otherwise agreed by the interested parties and the board.

Sec. 32. EFFECTIVE DATE. This Act, being deemed of immediate importance, takes effect upon enactment.

Approved April 16, 2008

CHAPTER 1093**DEPENDENT ADULT ABUSE —
CARETAKER FACILITIES AND PROGRAMS***H.F. 2591*

AN ACT relating to dependent adult abuse in certain facilities and programs and providing penalties.

Be It Enacted by the General Assembly of the State of Iowa:

Section 1. Section 235B.1, subsection 4, paragraph a, subparagraph (3), Code 2007, is amended to read as follows:

(3) Receive and review recommendations and complaints from the public, health care facilities, and health care programs concerning the dependent adult abuse services program.

Sec. 2. Section 235B.1, subsection 4, paragraph b, subparagraph (1), Code 2007, is amended to read as follows:

(1) The advisory council shall consist of ~~ten~~ twelve members. Six members shall be appointed by and serve at the pleasure of the governor. Four of the members appointed shall be appointed on the basis of knowledge and skill related to expertise in the area of dependent adult abuse including professionals practicing in the disciplines of medicine, public health, mental health, long-term care, social work, law, and law enforcement. Two of the members appointed shall be members of the general public with an interest in the area of dependent adult abuse and two of the members appointed shall be members of the Iowa caregivers association. In addition, the membership of the council shall include the director or the director's designee of the department of human services, the department of elder affairs, the Iowa department of public health, and the department of inspections and appeals.

Sec. 3. Section 235B.2, subsection 5, paragraph a, subparagraph (3), unnumbered paragraph 1, Code 2007, is amended to read as follows:

Sexual exploitation of a dependent adult ~~who is a resident of a health care facility, as defined in section 135C.1, by a caretaker providing services to or employed by the health care facility, whether within the health care facility or at a location outside of the health care facility by a caretaker.~~

Sec. 4. Section 235B.3, subsection 1, paragraph a, Code Supplement 2007, is amended to read as follows:

a. The department shall receive dependent adult abuse reports and shall collect, maintain, and disseminate the reports by establishing a central registry for dependent adult abuse information. The department shall evaluate the reports expeditiously. However, the department of inspections and appeals is solely responsible for the evaluation and disposition of dependent adult abuse cases within ~~health care facilities and programs pursuant to chapter 235E~~ and shall inform the department of human services of such evaluations and dispositions pursuant to section 235E.2.

Sec. 5. Section 235B.3, subsection 2, paragraph a, Code Supplement 2007, is amended to read as follows:

a. A member of the staff of a community mental health center, ~~a member of the staff of a hospital, a member of the staff or employee of a public or private health care facility as defined in section 135C.1, a member of the staff or employee of an elder group home as defined in section 231B.1, a member of the staff or employee of an assisted living program certified under section 231C.3, and a member of the staff or employee of an adult day services program as defined in section 231D.1.~~